

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, OCTOBER 2, 2008 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00 P.M.

Roll call showed that Mayor Michael P. Manning, Councilman Charles J. Diamond and Councilwoman Ellen R. Fogarty were present.

Also present from City Administration were: Mark Gleason; General Manager, Yorden C. Huban; Corporation Counsel, Rosemary Nichols; Deputy General Manager of Economic Development, Bruce A. Hidley; City Clerk and Clerk to the Council, Robert A. Fahr; Director of Finance, David Wheatley; Deputy City Clerk and Mark Gilchrist; Assessor/Bldg.

A motion was made and seconded to dispense with and approve the minutes from the previous Council Meeting.

Before beginning the meeting Councilman Diamond requested that the City Council Meeting be dedicated in honor of retired Fire Chief Dan Spratt who passed away on October 1, 2008. Mayor Manning then dedicated the City Council Meeting in honor of retired Fire Chief Dan Spratt.

The following agenda was presented to the Council by Bruce A. Hidley; City Clerk and Clerk to the Council.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason; General Manager informed the Council that the Albany Times Union ran a story about the City of Albany charging its residents for the pickup of garbage. The City of Albany is also considering a stricter enforcement policy as to the recycling laws. The Albany Landfill may be completely full by next year. The City of Albany is currently in negotiations with the NYS Department of Environmental Conservation (DEC) to expand their landfill. Mr. Gleason noted that the City of Watervliet is taking steps to be sure that our residents have a place to dispose of their garbage. This is being done just in case the City of Albany calls to say that the landfill will no longer be accepting garbage. Mr. Gleason explained that the City has contacted Waste Management who has a transfer station in Rensselaer County. The City is in the process of negotiating a contract with Waste Management as a second tier place to take the City's garbage. Mr. Gleason also noted that the City has placed an application with the Town of Colonie Landfill to bring garbage there. Mr. Gleason stated that the City's decision to pick up our own garbage was very good fiscal decision. By the City picking up our own garbage this allows the City to better monitor what we are doing. Mr. Gleason thanked the Sanitation Department for the fine job they have been doing. Mr. Gleason informed the Council that the Recycling Committee will be sending out another newsletter in October. Mr. Gleason requested that if anyone is interested in becoming a part of the Recycling Committee to contact his office.

ITEM #2 – Mark Gleason; General Manager explained to the Council that there is a new Snow Removal Policy which has been written over the course of the last six months. Mr. Gleason noted that there were four public meetings conducted regarding the Snow Removal Policy. Mr. Gleason explained that the major change to the policy will be the fact that the City will be towing cars. Mr. Gleason noted that when the Police Department announces that cars need to be removed that the City will no longer plow around a vehicle that does not move. The car will be towed to Hudson Shores Park a very secure area to place the towed vehicles. Mr. Gleason explained that the owner of the towed vehicle will have to pay a \$100.00 fine and a towing charge of \$125.00 before the owner can retrieve the car. Mr. Gleason further explained that our City is one of the last who do not tow vehicles during a snow emergency. The City did have a system which gave residents 24 hours to move vehicles. It was noted that this policy did not work and why this policy did not work. Mr. Gleason also explained that another major change to the snow removal policy was the fact that snow was being placed in our City parks. This will no longer happen, the City will dump all of the snow in the southern end of Hudson Shores Park. There is approximately 100 yards of area to dump the snow. Mr. Gleason concluded by explaining that the two major changes will be placed before the Council at the next meeting for consideration. Mr. Gleason will put together a power point presentation regarding snow removal activity which will be shown to residents at various locations around the City.

ITEM #3 – Mark Gleason; General Manager congratulated Diane Conroy-Lacivita; Director of Recreation and Cultural Events along with the Arsenal City Run Committee for the great job running and organizing the Arsenal City Run. Mr. Gleason feels that the Committee brought new life to the entire event that evening. Mr. Gleason explained that residents and non-residents went back to the Dome after the race and had a great time. It was a wonderful community event. Mr. Gleason explained that Mrs. Lacivita will have a full financial report for the Council at a November Council Meeting.

OLD BUSINESS

PUBLIC HEARING - A Public Hearing regarding the Community Development Block Grant Economic Development Grant/Loan for Extreme Molding, L.L.C., for low/moderate job creation and retention. (See Resolution No. 8306 authorizing the Public Hearing). Mayor Manning explained to all in attendance that this is a requirement of the Community Development Block Grant Program that a Public Hearing be conducted. Mayor Manning noted that this is good news for the City as Extreme Molding is a minority owned business by two women whom are growing. With the City's cooperation their business will secure a grant, ½ of which will be loaned to them, the other ½ granted to them. The ½ loaned to them is paid back to the City to utilize for other Economic Development needs in the City.

There being no comment, Mayor Manning closed the Public Hearing.

PUBLIC HEARING - A Public Hearing regarding those persons who wish to be heard regarding the passage of a Local Law adding a new Chapter 276, to be titled "Appearance Tickets" (See Resolution No. 8307 authorizing the Public Hearing). Mayor Manning explained that this Local Law will allow our internal authorities who are non-police entities to write Appearance Tickets This Local Law will bring the offender into court immediately. Mayor Manning noted that this will provide the City workers with additional enforcement abilities and will skip some court steps to get an offender in court.

There being no comment, Mayor Manning closed the Public Hearing.

NEW BUSINESS

LOCAL LAW - A Local Law adding a new Chapter 276 to the Code of Ordinance of the City of Watervliet to be titled "Appearance Tickets". Mayor Manning explained that this is the Local Law pertaining to the Public Hearing conducted a few minutes ago. This will put into the law the City's ability to issue Appearance Tickets. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Local Law was approved and adopted.

ORDINANCE NO. 1830 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinance, be amended by revising Chapter 244, Streets and Sidewalks. Before voting Mayor Manning requested that Rosemary Nichols; Deputy General Manager of Economic Development and Planning to provide an update on this Ordinance.

Ms. Nichols explained that the Council created a special committee which consisted of herself, Mark Gilchrist; Building Department, Jim Bulmer; Water Department, Dave Dressel; Highway Department and Yorden Huban; Corporation Counsel to discuss whether the City should have a revised set of Street Ordinance should a new street construction be needed. Ms. Nichols explained that several meetings were held to research street issues. It was noted that several communities do not have specific street regulations. It was explained that all of the Towns do have some type of street regulations. Ms. Nichols stated that the committee devised a mechanism with considerable help from Alaina Laferriere; Legal Law Intern Clerk who created a modern Ordinance which will assist the needs of the City of Watervliet. Mayor Manning asked that if there is any undeveloped area that requires to be upgraded to a street, the Council would have to follow this Ordinance. . Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

ORDINANCE NO. 1831 – An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinance of the City of Watervliet providing that Article II, (Littering), Section 168-3, (Definitions) and Section 168-7, (Notification to Remove Litter) be amended. Before voting Mayor Manning explained that the next series of Ordinances are related to the Local Law just passed, allowing employees to write Appearance Tickets and describing the penalties. Yorden Huban; Corporation Counsel explained that as a result of the Local Law it was imperative that the City change this Ordinance and the other Ordinances tonight. This will eliminate an outdated notification procedure that the Code has had. Mr. Huban stated that this will effectively make the Appearance Law process easier to bring the offender to court. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

ORDINANCE NO. 1832 – An Ordinance of the City of Watervliet, New York, providing that Section 134-4, (C), (4), (Papers, Paper Goods or Cardboard) of Chapter 134, (Burning Outdoor) of the Code of the City of Watervliet be repealed and that Section 134-7 (Penalties for Offenses) be amended. Mayor Manning stated that once again this Ordinance is related to the Local Law passed to write Appearance Tickets. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

ORDINANCE NO. 1833 – An Ordinance of the City of Watervliet, New York, providing that Chapter 175, (Housing Standards), Article II, (Administration and Enforcement), Section 175-13, (Notification of Violation), of the Code of Ordinance of the City of Watervliet, be amended. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

ORDINANCE NO. 1834 – An Ordinance of the City of Watervliet, New York, providing that Chapter 123, (Brush, Grass and Weeds), Section 123-2, (Notice to Remedy, Penalties for Offenses) of the Code of Ordinances of the City of Watervliet be amended. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Ordinance was approved and adopted.

ORDINANCE NO. 1835 – An Ordinance of the City of Watervliet, New York, providing that Section 272-11, (B), of the Code of Ordinances, City of Watervliet be amended to increase the period of time for abandonment and change of a nonconforming use. Before voting Mayor Manning explained that this will change the period of time for zoning code previous use which is currently six months. Mayor Manning explained that due to the state of the economy and the time it takes to transfer real property the City decided to extend the previous use to twelve months. Mayor Manning stated that this law would be in place for a three year test period. This law can be re-evaluated to see if the Ordinance is working, if not the City has the option of changing it. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Ordinance was approved and adopted.

RESOLUTION NO. 8310 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement between the City and Sutphen Corporation for the purchase of one SP95 Aerial Platform Fire Truck in the amount of \$859,000.00 and one International 4 Door Sutphen C1 Model Pumper in the amount of \$209,196.00. Mayor Manning explained that Fire Chief Clickner provided the Council with a complete update on the vehicle needs and the budget review has been done. Mayor Manning noted that the purchases of these vehicles are for safety reasons and the use of life. Mayor Manning further explained that the City successfully obtained a \$250,000.00 multi county grant from the Federal Government to defer the costs of these purchases. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8311 – The Council of the City of Watervliet hereby authorizes Mayor Michael P. Manning to execute an agreement on behalf of the City of Watervliet and Local 590, IAFF, AFL-CIO, Uniformed Firefighters (U.F.F.A.) for the period January 1, 2009 and ending December 31, 2012. Before voting Yorden Huban; Corporation Counsel explained that this is the final collective bargaining agreement for this period. Mr. Huban noted that this is the first time that an agreement has been reached with a Drug & Alcohol Policy along with a General Municipal Law Workers Compensation 207-A Policy. Mayor Manning stated that this was a good collaborative effort between the City and the Firefighters union. Mayor Manning further explained that most of the incentives that were added are tied with the ambulance program being successful. Upon motion of Councilwoman Fogarty, seconded by Councilman Diamond, this Resolution was approved and adopted.

Before reading the next Resolution on the agenda Mayor Manning explained to all in attendance that the next Resolution reads in favor of designating the area of Hillside Drive East of the Eastern Boundary of 12th Avenue to the Railroad tracks. The Resolution reads to the positive that this shall be determined a street in the City of Watervliet. Mayor Manning stated that this proposal was sent from the Planning Board to the Council to rule on whether this is actually a street or not. Mayor Manning explained that should this pass it would be just that, it doesn't require the City to upgrade it from its current condition or it won't change the function of the area in question. Mayor Manning explained that the area in question is related to a pending Planning Board application where a developer would like to build homes on the north side. The residents in that area were apprised of the pending legislation on the agenda tonight. Mayor Manning wants the residents in those areas to have the opportunity to voice their opinions before the Council makes a ruling or choose not to rule on this Resolution. Mayor Manning made it very clear to those who wish to speak that the topic must stay focused on whether this area should be a street or not. This issue will be returned to the Planning Board at which time the other concerns will be heard.

Joe Monaghan – 1606 12th Avenue – Watervliet, New York – Mr. Monaghan asked the Council if there is a cost estimate as to what it would cost to meet the street standards of Ordinance No. 1830. Mayor Manning stated that he is not sure as he is not a developer, but an estimated guess would be approximately \$100,000.00. Mr. Monaghan noted that this has never been a street in his 46 years living there, at best it has been a path. A path for students to come from 16th Street under the tracks to the High School. Mr. Monaghan noted that when he moved there that two concrete posts in the ground to prevent cars from going down that path. Behind his house it was a water filled lot, the school purchased the property and developed it into a practice field. Once again under Section 36 of the General City Law which talks about a dedicated street and the area in question is not a dedicated street. Mr. Monaghan implored the Council not to make it a street tonight.

John Cummings – 1600 12th Avenue – Watervliet, New York – Mr. Cummings explained that he used that path when he went to Watervliet High School. It was his understanding that the tunnel was placed there so that students could cross to get to the High School. Mr. Cummings stated that this area was never used as a street. Mr. Cummings noted that the posts were never put back in so it became a road. Mr. Cummings explained that a neighbor decided to make a road off of that area across other people's property to the neighbor's property. Mr. Cummings stated that the residents are in this situation because of demands to sell this property for a lot of money to put homes in. Mr. Cummings noted that this area has never been maintained by the City, never plowed and dumped snow there in the winter. Mr. Cummings provided several other examples of the problems in that area for the Council to consider before voting. Mr. Cummings explained that any property map he has found is blocked off. The map also cites this area as school property. After the May 7, 2008 Planning Board Meeting a new map appeared that revised showing a solid line next to the school property. Mr. Cummings further explained that there were no authorizations for a revision to the map.

Mr. Cummings asked the Council when did the school deed this property to the City. Mr. Cummins concluded by saying that this is not a street. What was the Council determining factor that this area is a street? Mayor Manning responded by saying that the Council has not made that determination. Mayor Manning explained that the legislation had to be written one way or the other and that it was drafted to the positive. This legislation can be voted down or not moved on. Mayor Manning explained that the mapping problem is what sent this item to the Council from the Planning Board. Mayor Manning stated that since there were conflicting maps a decision would need to be made by the Council. Mark Gilchrist; Assessor/Building Inspector explained that the City requested the Albany County Planning to re-look at all of the deeds and make a determination as to who owns the land. Albany County looked over the deeds and re-drew maps and determined that the area in question was City property. Mr. Gilchrist stated that the School District never owned the property. Mayor Manning concluded by saying that the maps are not the City maps but that the City does have some control over them. Additionally, the input of the residents is very welcome on the map issue. The issue of the property being owned by the City has been concluded and the City does own the property in question.

RESOLUTION NO. 8312 – The Council of the City of Watervliet hereby determines that the portion of Hillside Drive East of the Eastern Boundary of Twelfth Avenue shall be a street in the City of Watervliet as defined in Chapter 244 of the Code of Ordinances of the City of Watervliet. Mayor Manning stated that Council has now had the opportunity to hear the public comments on this street issue. The Council will place this on the October 16, 2008 Council Meeting for a vote. Upon motion of Councilman Diamond, seconded by Councilwoman Fogarty, this Resolution was tabled.

APPROPRIATIONS AND ACCOUNTING

Robert A. Fahr; Director of Finance informed the Council that the City received the multi-model money from New York State. Mr. Fahr thanked Assemblyman Ron Canestrari for his assistance in obtaining the \$100,000.00. Mr. Fahr stated that this money was utilized to repair our streets in 2007. Mayor Manning asked Mr. Fahr if the City had another \$100,000.00 pending. Mr. Fahr responded by saying yes.

Mayor Manning discussed the Boathouse in Hudson Shores Park. Mayor Manning stated that the City is going through the permitting process with the Army Corp of Engineers and the other regulatory authorities as to whether docks may be placed into the river.

Bruce A. Hidley informed the Council that at the last Council Meeting, Mr. Gusberti discussed No Parking Stopping or Standing signs on Hillside Drive. Chief Boisvert reviewed our statutes and that law already exists. The City will place the appropriate signs on Hillside Drive.

PUBLIC COMMENT PERIOD

- 1.) Bob Gusberti – 1212 Hillside Drive – Watervliet, New York – Mr. Gusberti wanted to discuss Ordinance No. 1830, Brush, Grass and Weeds. Mr. Gusberti noted that the middle of the drainage ditch is City property. Mr. Gusberti explained that the drainage ditch is loaded with weeds, trees and other debris. Mr. Gusberti asked what will be done to clean up that area. Mayor Manning responded by saying that the City will work with the School District to clean that area.

- 2.) Mel Beach – 509 25th Street – Watervliet, New York – Ms. Beach wanted to publicly thank the City Council for placing the minutes in advance of the City Council Meeting on the web site. Mayor Manning explained that there is also a feature that will allow the City to e-mail the City Council Minutes to you directly if you sign up for this service. Mayor Manning explained that anyone can go the newsletter section of the website to sign up for the e-mail service.

- 3.) Marion Fotache – 1554 3rd Avenue – Watervliet, New York – Ms. Fotache requested that on Page Eight, Line Five of the September 18, 2008 Council Meeting Minutes should read Pastor had to make a decision as opposed to has. Ms. Fotache also does not recall that the Pastor had nothing to say about the acquisition. Ms. Fotache noted that at the September 18, 2008 City Council Meeting that there was an idealized artist rendering of the plan for 19th Street in front of St. Patrick's Church, with the crisp greens and the sharp grays. Ms. Fotache explained that the rendering did not show the eighteen metal motor vehicles or the litter from Dunkin Doughnuts. Also, it didn't show what it looks like now. Mayor Manning stated that at the last City Council Meeting the pictures did show the before and after views, which was the purpose of the presentation that night. Ms. Fotache noted that trying to say she is alone in objecting, perhaps at this meeting, yes. But there are many people who have objected and many people in other communities that particularly are astounded that the City is thinking of doing this. Ms. Fotache is grateful that she has a voice to object to this issue. Ms. Fotache concluded by saying that none of the other previous administrations has attempted to do this to such a beautiful historic property and the green space the City has. It is such an asset to this community.

- 4.) Erin Franco – 1915 8th Avenue – Watervliet, New York – Ms. Franco informed the Council that the Neighborhood Watch Committee is entertaining moving the meeting to the Presbyterian Church on 23rd Street. Ms. Franco noted that this would be closer especially during the winter months coming. Ms. Franco wanted to discuss the issue Ms. Fotache has been discussing. Ms. Franco empathizes with her concerns however Ms. Fotache has pictures of the historic site being discussed. In the pictures shown by Ms. Franco, branches are falling down, dead trees, concrete sidewalks that are coming up, debris inside the property, fences that need painting and repaired. Ms. Franco stated that this is a beautiful piece of property but the parishioners have not been able to take care of the property. Ms. Franco stated that the City is only trying to improve the area.

There being no further comment Mayor Manning closed the Public Comment Period.

Council Diamond announced that the City of Watervliet Historical Museum opened on Friday, September 26, 2008. This was headed up by the Watervliet Historical Society that did a fabulous job. Councilman Diamond suggested that if you have not seen the museum to do so. The hours are 10:00 AM until 3:00 PM, Wednesday thru Sunday.

Councilman Diamond explained that a Port Schuyler meeting was held where item such as quality of life issues and neighborhood watch issues. Councilman Diamond stated that Mayor Manning did a wonderful job discussing these issues.

Councilman Diamond stated that the Arsenal City Run was a terrific event. Councilman Diamond would like to see if the traffic control could be fine tuned. Mayor Manning noted that the Administration did learn a lot about from this outing. Mayor Manning stated that the participation was up and people stayed from inside the City along those who live outside the City. Mayor Manning intension is to continue to make this an evening event without affecting a whole end of the City.

There being no further business to come before the Council, a motion was made and seconded for adjournment, the meeting was adjourned at 8:00 PM.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council